



Attorney Docket No.: 99-113-US-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Anne E. Spinks  
Serial No.: 10/623,278  
Filed: July 18, 2003  
Title: LOW MELT FLOW COMPOSITION

Art Unit: 1772  
Examiner: Loney

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
**MAIL STOP PETITION**

PETITION TO REVIVE ABANDONED APPLICATION UNDER 37 CFR 1.137(a)

Applicant hereby petitions under 37 CFR 1.137(a) to revive the above-captioned abandoned application, and further petitions to discount the additional time required in filing the response to the September 9, 2005 Office Action against the calculation of any patent term extension granted on any patent issuing on the above-captioned application.

The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable as demonstrated below.

Applicant submits that no fee for this request should be charged to Applicant due to the fact that it appears that an error on the part of the United States Patent and Trademark Office (the Patent Office) caused the application to become abandoned, thereby necessitating this Petition. In the event that the Patent Office disagrees, the Commissioner is hereby authorized to charge the fee for this Petition required under 37 CFR 1.17(m) to Deposit Account No. 06-2241.

An Amendment in response to the outstanding September 9<sup>th</sup> Office action is submitted herewith.

The unavoidable delay and the error attributable to the Patent Office are demonstrated by the following facts:

**CERTIFICATE OF TRANSMISSION**

I hereby certify under 37 CFR §1.8(a) that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office. Fax. No. 571-273-8300 on March 31, 2006.

Signature

*LeeAnn Molin*

LeeAnn Molin

Typed or Printed Name of Person Signing Certificate

1) Applicant's valid and correct mailing address was of record in the Patent Office at the time the September 9<sup>th</sup> Office action was mailed (see July 18, 2003 Patent Application Transmittal Letter, which is attached hereto as Exhibit A).

2) Applicant's mailing address did not change while the above-captioned application was pending.

3) The mailing address on the September 9<sup>th</sup> Office action is not Applicant's correct mailing address (see copy of September 9<sup>th</sup> Office action cover page, which is attached as Exhibit B).

4) Applicant never received the September 9<sup>th</sup> Office action from the Patent Office (see Declaration of Allison Johnson, which is attached as Exhibit C).

5) On March 25, 2006, Allison Johnson, Applicant's representative, received a Notice of Abandonment dated March 20, 2006, for the above-captioned application. The Notice had been mailed to Allison Johnson, P.A. 2925 Dean Parkway, Suite 300, Minneapolis, MN 55416 by the Patent Office, and then forwarded by the United States Post Office to Allison Johnson at 6016 Logan Ave. S., Minneapolis, MN 55419 (see, *id.*).

6) On March 27, 2006, Allison Johnson downloaded the September 9<sup>th</sup> Office action from the Patent Office website and on March 28, 2006 forwarded the same to H.B. Fuller Company (*id.*).

Because the September 9<sup>th</sup> Office action was not addressed to the proper entity and did not include the correspondence address of record, Applicant did not receive the September 9<sup>th</sup> Office action, and therefore could not prepare a timely response thereto. In light of the above, Applicant submits that the abandonment of the above-captioned application was unavoidable.

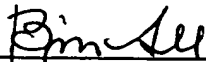
Applicant further requests that the delay in preparing and submitting this Petition and the attached reply to the September 9<sup>th</sup> Office action not be counted against the calculation of any patent term extension granted on any patent issuing on the above-captioned application.

If deemed appropriate, please charge the Petition fee of \$500.00 required under 37 CFR. 1.17(1) to Deposit Account No. 06-2241.

Please charge any additional fees owing or credit any over payments to Deposit  
Account No. 06-2241.

Respectfully submitted,

Date: March 31, 2006

  
Bin Su  
Reg. No. 51,309

H.B. Fuller Company  
Patent Department  
1200 Willow Lake Blvd.  
P.O. Box 64683  
St. Paul, MN 55164-0683  
Telephone 651-236-5603  
Facsimile 651-236-5126



ALLISON JOHNSON, P. A.

Attorney at Law

6016 Logan Ave. S.

Minneapolis, Minnesota 55419

Telephone (612) 861-8621

Facsimile (612) 861-8628

July 18, 2003

Attorney Docket No.: 99-113-US-02

**Transmittal of Patent Application – Rule 1.53(b)(1)**

**Mail Stop Patent Application**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Presented for filing is a continuation patent application of U.S. Application Serial No. 09/401,292, filed September 30, 1999:

Applicants: ANNE E. SPINKS

Title: LOW MELT FLOW COMPOSITION

Enclosed are the following papers, including those required to receive a filing date under 37 CFR § 1.53(b)(1):

	<u>Pages</u>
Specification	11
Claims	2
Abstract	1
Drawing Sheets	1

The fee for filing the application is computed as follows:

Basic Filing Fee	\$750
Total Claims in excess of 20 (0) times \$18	\$0
Independent Claims in excess of 3 (0) times \$84	\$0
Fee for Multiple Dependent claims	-----
Total Filing Fee	\$750

**Certificate of Express Mailing**

Pursuant to 37 CFR 1.10 I certify that this application is being deposited on the date indicated below with the United States Postal Service "Express Mail Post Office to Addressee" service addressed to: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450.

ET982318614US

Express Mail Mailing Label No.

July 18, 2003

Date of Deposit

Signature of Person Mailing Application

Allison Johnson

Printed Name of Person Mailing Application

Please do not charge the filing fee of \$750 to Deposit Account 501,171 at this time. Please charge any fees that are required to obtain a filing date to Deposit Account 501,171 referencing the attorney docket number set forth above.

Also enclosed please find:

Declaration and Power of Attorney (signed); and  
Return receipt postcard.

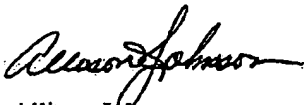
If this application is found to be incomplete, or if a telephone conference would otherwise be helpful, please call the undersigned at (612) 861-8621.

Please send all correspondence to:

Kirsten K. Stone  
Director of Patents and Technology  
H.B. Fuller Company  
Patent Department  
1200 Willow Lake Blvd.  
P.O. Box 64683  
St. Paul, MN 55164-0683

Telephone 651-236-5620  
Facsimile 651-236-5612

Respectfully submitted,



Allison Johnson  
Reg. No. 36,173

Enclosures



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,278	07/18/2003	Arne E. Spinks	99-113-US-02	2410
7590 09/09/2005			EXAMINER	
ALLISON JOHNSON, P.A. 2925 DEAN PARKWAY SUITE 300 MINNEAPOLIS, MN 55416			LONEY, DONALD J	
			ART UNIT	PAPER NUMBER
			1772	
DATE MAILED: 09/09/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Anne E. Spinks  
Serial No.: 10/623,278  
Filed: July 18, 2003  
Title: LOW MELT FLOW COMPOSITION

Art Unit: 1772  
Examiner: Loney

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
**MAIL STOP PETITION**

DECLARATION OF ALLISON JOHNSON

I, Allison Johnson, state and declare as follows:

1. On March 25, 2006, I received a Notice of Abandonment dated March 20, 2006, from the United States Patent Office (Patent Office) for the above-captioned application. The Notice had been forwarded to my address at 6016 Logan Ave. S. Minneapolis, MN 55419 by the United States Post Office.
2. On March 27, 2006, I downloaded an Office action dated September 9, 2005, pertaining to the above-captioned application, from the Patent Office website.
3. On March 28, 2006, I delivered the Notice of Abandonment and the September 9<sup>th</sup> Office action to H.B. Fuller Company. After conducting an inquiry, I determined that prior to this date, H.B. Fuller Company had not previously received the September 9<sup>th</sup> Office action.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under section 1001 Title 18 of the United States Code, and that such willful false statements may jeopardize the validity

**CERTIFICATE OF TRANSMISSION**

I hereby certify under 37 CFR §1.8(a) that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office. Fax No. (571)-273-8300 on 6/3/31/2006.

Signature

Lee Ann Molin

LEE ANN MOLIN

Typed or Printed Name of Person Signing Certificate

of the application, any patent issuing thereon, or any patent on which this statement is directed.

Further I declare not.

Date: March 29, 2006

  
Allison Johnson



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Anne E. Spinks  
Serial No.: 09/410,292  
Filed: October 22, 1999  
Title: LOW MELT FLOW COMPOSITION

Art Unit: 1772  
Examiner: D. Loney

Assistant Commissioner for Patents  
Washington, D.C. 20231

DECLARATION OF ANNE E. SPINKS UNDER 37 CFR § 1.131

I, Anne E. Spinks, state and declare as follows:

1. I am a Research Chemist and have been employed by the H.B. Fuller Company for 14 years.
2. Prior to August 14, 1998, I prepared compositions that included polyalphaolefin and adsorbent particles in the percentages set forth in the table below.

Composition	Polyalphaolefin (%)	Adsorbent (%)
1	80	20
2	50	50
3	47	45
4	47	45
5	42	50

These compositions did not include a film-forming agent.

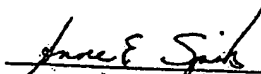
I recorded the preparation of these compositions in my laboratory notebooks as follows: Composition 1, laboratory notebook number 4332, page 71, and Compositions 2-5, laboratory notebook number 5107, pages 27, 36, 56 and 65, respectively. True and correct copies of the redacted laboratory notebook pages are attached at Exhibit A.

3. I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine, imprisonment, or both, under Section 1001 of title 18 of the United States Code, and that such willful false statements may jeopardize the

validity of the application, any patent issuing thereon, or any patent on which this statement is directed.

Further I declare not.

Date August 21, 2002

  
Anne E. Spinks  
Research Chemist  
H.B. Fuller Company  
St. Paul, Minnesota



TITLE OF EXPERIMENT:	HL-5102-A Insul-Dri Hot Melt Matrix	DATE:
LABORATORY LOCATION:	Willow Lake	PROJECT NO.:
OBJECTIVE:		

Make batch below + determine melt flow + sag at 190°F.

	Grams
Elastoflex E1003	600.0
UOP Mol Sieve 3A	150.0
	750.0 gms

Mix ~ 1 hr

Remove 150 gms from mix (4332-71-1) (E1003/3A @ 50/50)

Add	360.0 gms	UOP 3A Sieve	⇒	E1003	Gms
					480
				UOP 3A	120
				+ UOP 3A	360
					960 gms

Mix ~ 1 hr.

Label 4332-71-2 (E1003/3A @ 50/50)

Melt Flow	-71-1
Grams Sample	7.65
Temp °C	190
1100 gm wt, 4' wait	60.0

REDACTED

sec

- Material ran through orifice before weight could be applied

- Ran through orifice with 0 min. wait  
when 1100 gm weight is used (i.e. no  
accurate times can be determined -  
flow VERY FAST)

CHEMIST:

James Smith

DATE:

Read and understood by me ( )

James Smith

BEST AVAILABLE COPY

H.B. Fuller Company  
RESEARCH NOTEBOOK  
CONFIDENTIAL

BOOK 5107

PAGE 27

TITLE OF EXPERIMENT:	Low Cost HL-5102-A	DATE:	REDACTED
LABORATORY LOCATION:	Willow Lake	PROJECT NO.:	
OBJECTIVE OF EXPERIMENT:	Make a lower cost HL-5102-X		

	HL-5102-A		THEO	ACTUAL	LOT #
	lb	-1	GRS	GRAMS	
Vistarex LUMK	4.45	-	-	-	
Hubermb Q325	5.49	5.49	6588	66.4	PLU 101 #
Eastman D17B	42.74	42.74	512.88	513.4	81913
Carbony BLACK	0.01	0.01	0.2	0.2	no lot #
Ingramox 1076	0.50	0.50	6.0	6.1	'
Kronas 2020	1.80	1.8	21.6	21.8	4257A3
Indopol H100	-	4.45	53.4	53.7	no lot #
UDP 3A	36.0	36.0	432.0	138.4 293.6	UDP 6100
IBX	9.0	9.0	108.0	108.0	945090060157-S

Made in hot mixer  
Pulled 100% 45' in hot melt portion  
" " 1 hour in final product

CHEMIST:

*James Spink*

DATE:

*James Spink*

Read and/or explained to me and understood by me this

BOOK 36

**H.B. Fuller Company**  
RESEARCH NOTEBOOK  
CONFIDENTIAL

PAGE 36

TITLE OF EXPERIMENT:	Cost Reduction in HL 5102-A	DATE:	REDACTED
LABORATORY LOCATION:	Willow Lake	PROJECT NO.:	
OBJECTIVE OF EXPERIMENT:	Make a lower cost HL 5102-A	Refer to	5107-27,30

	%	Theo Gms	Actual Gms	Lot #
EASTMAN D-178		512.8	512.8	No lot #
HUBERMAN 0325		65.88	65.9	" "
CARBON BLACK		0.12	0.20	" "
KRONOS 2020		21.6	21.6	4257AB
TRIMOX 1476		6.0	6.0	no lot #
TRIMOX H 1500		53.4	53.9	F94895A1
3A sieve		432.0	432.4	WR Grace + UOP (Finley)
13x sieve		108.0	108.0	UOP 945090060157-S

Made in hot. mixer.

Vacuum hot melt portion 45' @ 22" Hg  
" finish product 1hr " "

CHEMIST:

*Ann Spill*

DATE:

*David M. Melish*

Read and/or explained to me and understood by me:

BOOK



H.B. Fuller Company

RESEARCH NOTEBOOK

CONFIDENTIAL

PAGE 56

TITLE OF EXPERIMENT:	Cost Reduction in HL-5102-A	DATE:	RED ACTED
LABORATORY LOCATION:	Willow Lake	PROJECT NO.:	
OBJECTIVE OF EXPERIMENT:	MAKE 5102-2? but INCREASE sieve 5%.		

		%	THRO Gms	ACT. Grains
Indopol H100	mo lat #	4.45	53.4	53.5
Q 325	"	5.79	71.88	72.0
Eastman D-178	81913	37.74	452.88	452.9
Carbon Black	mo lat #	.02	.24	0.2
Kronis 2070	4257AB	1.8	21.6	21.6
3A sieve	3E 7968	41.0	492.0	493.0
13X sieve	3E 1086	9.0	108.0	109.8
n9450940157-S				

CHEMIST:

DATE:

Read and/or explained to me and understood by me this

**H.B. Fuller Company**  
RESEARCH NOTEBOOK  
CONFIDENTIAL

BOOK \_\_\_\_\_

PAGE 65

TITLE OF EXPERIMENT:

5<sup>th</sup> Generation HL-5102-A

DATE:

LABORATORY LOCATION:

Willow Lake

PROJECT NO.:

REDACTED

OBJECTIVE OF EXPERIMENT:

Make HL-5102-A type product using Indupol H300

refer to 5107-27, 30, 36, 37, 41, 56, 58

Product Made	9 26 95				
	Lot #	%	Theo Gm	Ac Gms	
Vistamax LMNH	—	—	—	—	
Indupol H 300	136-207693	4.45	53.4	53.2	
Huber Carb 0325	no lot #	5.99	77.88	72.0	
D-178	81913	42.74	572.88	514.1	
Carlson Black	no lot #	6.02	0.2	0.2	
Kronas 2020	4257A3	1.90	21.6	22.1	
3A sieve	367768	36.0	432.0	432.5	
13X sieve	301086	9.0	108.0	108.1	

Melt flow				
	60.0	60.0	60.0	60.0
	-57.6	-57.5	-57.5	-57.4
SEC	2.4	2.5	2.5	2.6

Sample WT (gms)	8.00	8.00	8.00	7.80
-----------------	------	------	------	------

$A.P.C. SEC = 2.50 \quad I.O. 1298$   
 Used 1100 gm WT + 1.5 minute heat

CHEMIST:

Anne Spach

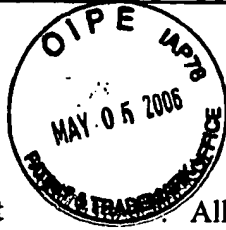
DATE:

Scott D. Maleski

read and/or explained to me and understood by me



UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Applicant Allison Johnson  
Title : Low Melt Flow Composition  
Docket Number :  
Per Telephone : Mr. Johnson The Office does not accept FAX in Application you must  
Conversation of : mail all Application into the Office  
Date of Facsimile  
Transmission :

**LETTER REGARDING APPLICATION PAPERS  
TRANSMITTED BY FACSIMILE TRANSMISSION**

The above-identified papers were transmitted by facsimile transmission to the U.S. Patent and Trademark Office. The papers transmitted by facsimile transmission are not entitled to a filing date. See 37 CFR 1.6(d) and 1.8(a)(2)(i)(A), which are reproduced below.

37 CFR 1.6(d) provides, in part, that facsimile transmissions are not permitted, and if submitted, will not be accorded a date of receipt for correspondence which cannot receive the benefit of a certificate of mailing or transmission as specified in 37 CFR 1.8(a)(2)(i)(A) through (D) and (F), except that a continued prosecution application under 37 CFR 1.53(d) may be transmitted by facsimile.

37 CFR 1.8(a)(2)(i)(A) states that the certificate of mailing or transmission procedure does not apply to, and no benefit will be given to a certificate of mailing or transmission on, the filing of a national patent application specification and drawing or other correspondence for the purpose of obtaining an application filing date, including a request for a continued prosecution application under 37 CFR 1.53(d).

The above-identified papers or a portion thereof (which may be a copy) are enclosed to assist applicant in identifying the papers. If applicant wishes to file a patent application, applicant must submit the application papers by mail or hand-carry the papers to the Office.

Any inquiries regarding this letter should be directed to the Office of Initial Patent Examination, Customer Service Center, at (571) 272-4000.

*M. Evans-Tennell*  
Office of Initial Patent Examination



**ALLISON JOHNSON, P. A.**

Attorney at Law

6016 Logan Ave. S.

Minneapolis, Minnesota 55419

Telephone (612) 861-8621

Facsimile (612) 861-8628

July 18, 2003

Attorney Docket No.: 99-113-US-02

**Transmittal of Patent Application – Rule 1.53(b)(1)****Mail Stop Patent Application**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Presented for filing is a continuation patent application of U.S. Application Serial No. 09/401,292, filed September 30, 1999:

Applicants: ANNE E. SPINKS

Title: LOW MELT FLOW COMPOSITION

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	<u>Pages</u>
Specification	11
Claims	2
Abstract	1
Drawing Sheets	1

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Basic Filing Fee	\$750
Total Claims in excess of 20 (0) times \$18	\$0
Independent Claims in excess of 3 (0) times \$84	\$0
Fee for Multiple Dependent claims	----
Total Filing Fee	\$750

**Certificate of Express Mailing**

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RT982318614115  
Express Mail Mailing Label No.

July 18, 2003  
Date of Deposit

  
Signature of Person Mailing Application

Allison Johnson  
Printed Name of Person Mailing Application

Page 2 of 2

Please do not charge the filing fee of \$750 to Deposit Account 501,171 at this time.  
Please charge any fees that are required to obtain a filing date to Deposit Account 501,171 referencing the attorney docket number set forth above.

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Declaration and Power of Attorney (signed); and  
Return receipt postcard.

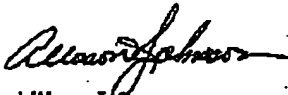
If this application is found to be incomplete, or if a telephone conference would otherwise be helpful, please call the undersigned at (612) 861-8621.

Please send all correspondence to:

Kirsten K. Stone  
Director of Patents and Technology  
H.B. Fuller Company  
Patent Department  
1200 Willow Lake Blvd.  
P.O. Box 64683  
St. Paul, MN 55164-0683

Telephone 651-236-5620  
Facsimile 651-236-5612

Respectfully submitted,



Allison Johnson  
Reg. No. 36,173

Enclosures